

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
Chief Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

August 15, 2003

MEMORANDUM TO COUNSEL RE:

In the Matter of the Complaint of Eternity Shipping,
Ltd., et al., for Exoneration from or Limitation of
Liability
Civil #L-01-250

Dear Counsel:

On August 5, 2003, the Court held a telephone conference to discuss the status of this case. The Court is satisfied that the parties have made substantial progress in attempting to conclude discovery, particularly during the past few months. The parties, however, have encountered difficulties in locating and deposing various witnesses in the maritime industry. Accordingly, the Court GRANTS the parties' request for an extension of the deadlines set forth in the scheduling order (Docket No. 42). As the Court ruled during the August 5th tape-recorded conference, the case will proceed according to the following schedule:

- (i) Mr. Whitman shall promptly provide to Mr. Asperger in writing the following information, to the extent it is in Mr. Whitman's possession, regarding the approximately four seamen remaining to be deposed:
 - (a) full name,
 - (b) home and business addresses and telephone numbers,
 - (c) name of current employer, and
 - (d) any additional information that would assist Mr. Asperger in locating the seamen;
- (ii) November 5, 2003, is the deadline for the completion of all discovery regarding the issue of Tate & Lyle/Domino's business damages;
- (iii) February 5, 2004, is the deadline for the completion of all other factual discovery. Regardless of whether the parties complete the depositions by February 5th, factual discovery, including fact depositions, will conclude on that date so that this case may advance to the next phase of litigation;
- (iv) a party may take a deposition anywhere in the world with two weeks' notice to the

other parties, and, if a party wishes to have a representative present at the deposition, it is incumbent upon counsel for that party to ensure the presence of a representative at the deposition. Counsel may agree in writing on a different, reasonable method for noticing and taking depositions. If counsel so agree, they shall notify the Court in writing of their agreement;

- (v) on March 5, 2004, claimants'/third-party plaintiffs' expert reports are due;
- (vi) on April 5, 2004, limitation plaintiffs'/third-party defendants' expert reports are due;
- (vii) June 7, 2004, is the deadline for the completion of expert discovery; and
- (viii) July 6, 2004, is the deadline for the filing of dispositive motions.

Despite the informal nature of this memorandum, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Benson Everett Legg

c: Court file